

# FILING FEE WAIVED

## OFFICE OF THE MAYOR & CITY COUNCIL



October 3, 2006

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Office of Proceedings

OCT 12 2006

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Public Record



Vernon Williams, Secretary  
Surface Transportation Board  
1925 K Street N.W.  
Washington, DC 20423-0001

**RE: The Burlington Northern and Santa Fe Railway Company –  
Abandonment in Boulder County, Colorado (Docket AB-6, Sub  
No. 442X)**

**Mayor**

Julia Pirnack

**Mayor Pro Tem**

Roger Lange - At Large

**Council Members**

Doug Brown - Ward I

Karen Benker - Ward II

Marty Block - Ward III

Mary Blue - At Large

Fred Wilson - At Large

Dear Secretary Williams,

The City of Longmont requests the filing of an NITU (Notice of Interim Trail Use) in the above referenced proceeding. In support of this request, the alliance states the following:

**Statement of Willingness to Assume Financial Responsibility**

In order to establish interim trail use and rail banking under 16 U.S.C. 1247 (d) and 49 CFR 1152.29, the City of Longmont ("Interim Trail User"), is willing to assume full responsibility for management of, for any legal liability arising out of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability to the extent allowed by law), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by The BNSF Railway Company, (Railroad) with respect to that portion of the right of way in Boulder County, Colorado. The property extends from Milepost 35.59 to Milepost 36.72 in Longmont, a distance of 1.13 miles in Boulder County, Colorado. The right of way is a line proposed for abandonment in Docket AB-6, Sub-No.442X.

A map depicting the property is enclosed.

The City of Longmont acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right of

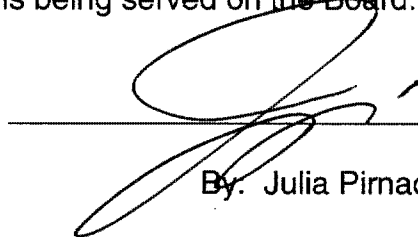
**Offices:**

350 Kimbark Street  
Longmont, CO 80501  
303-651-8601  
FAX: 303-651-8590  
[www.ci.longmont.co.us](http://www.ci.longmont.co.us)

**Meetings:**

Tuesday Evenings  
7:00 p.m.

way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the Board.

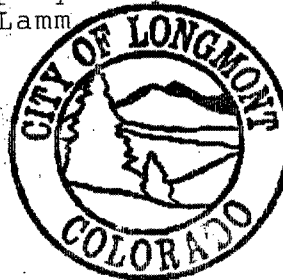


By: Julia Pirnack

Title: Mayor, City of Longmont



Acting Deputy City Clerk  
Michelle Lamm



cc: City Council  
Gordon Pedrow, City Manager  
Dale Rademacher, Public Works and Water Utilities Department  
Nick Wolfrum, Public Works and Water Utilities Department  
Phil DelVecchio, Community Development Department  
Don Bessler, Parks and Open Space  
The BNSF Railway Company  
Attn: Rich Batie  
2500 Lou Menk Drive  
AOB – Third Floor  
Fort Worth, TX 76131  
The Staubach Company  
Attn: Susan Odom  
BNSF Railway Company  
2500 Lou Menk Drive  
AOB – Third Floor  
Fort Worth, TX 76131

**APPROVED AS TO FORM**

  
**CITY ATTORNEY**

CALKINS  
(UNION RE

# LONGMONT

MILEPOST 36.72

MILEPOST 35.59

**NORTH**

LINE SEGMENT 179